BOMBAY ACT No. XXII OF 1950.[1]

[THE BOMBAY MERGED AREAS, ENCLAVES AND SPECIFIED AREAS (AMENDMENT OF LAWS) ACT, 1950.]

[*10th May 1950*]

An Act to amend the Bombay Agricultural Debtors Relief Act, 1947, in its application to certain areas and the Bombay Merged Areas (Amendment of laws) Act, 1949.

WHEREAS it is expedient to amend the Bombay Agricultural Debtors Relief Act, 1947, in its application to the areas included in and forming part of the State of Bombay under the States' Merger (Bombay) Order, 1950, the Provinces and States (Absorption of Enclaves) Order, 1950, and the India and Hyderabad (Exchange of Enclaves) Order, 1950, and to amend the Bombay Merged Areas (Amendment of Laws) Act, 1949, for the purposes hereinafter appearing; It is hereby enacted as follows:—

Bom. XXVIII of 1947.

Bom. XXX of 1949.

CHAPTER I.

PRELIMINARY.

1. This Act may be called the Bombay Merged Areas, Enclaves and Specified Areas (Amendment of Laws) Act, 1950. Short title.

CHAPTER II.

AMENDMENT OF BOMBAY ACT No. XXVIII OF 1947.

2. In this Chapter, unless there is anything repugnant in the subject or context,— Definitions.

(*1*) "enclave" means any of the areas specified in Schedule I appended to this Act;

(*2*) "specified area" means any of the areas specified in Schedule II appended to this Act.

3. Notwithstanding anything contained in the States' Merger (Bombay) Order, 1950, the Provinces and States (Absorption of Enclaves) Order, 1950, and the India and Hyderabad (Exchange of Enclaves) Order, 1950, the Bombay Agricultural Debtors Relief Act, 1947, shall, in its application to the areas specified in Schedules I and II appended to this Act, be subject to the following modifications:— Amendment of Bombay Agricultural Debtors Relief Act, 1947, in its application to enclaves and specified areas.

Bom. XXVIII of 1947.

In the said Act—

(*1*) in section 2,—

(*a*) for clause (2) the following shall be substituted, namely:—

"(2) 'co-operative society' shall mean a society registered under any of the provisions corresponding to those contained in the Bombay Co-operative Societies Act, 1925, in force in any of the enclaves or specified areas, as the case may be, or a society registered under the said Act;"

Bom. VII of 1925.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1950, Part V, pp. 213-214.

(*b*) in clause (5),—

(*i*) for the figures, letters and word "30th January 1940", wherever they occur, the figures, letters and word "25th January 1950" shall be substituted;

(*ii*) for the words "the date of the coming into operation of this Act or of the establishment of the Board concerned under the repealed Act" wherever they occur, the words, figures and letters "25th day of January 1950" shall be substituted;

(*2*) in section 4, for sub-section (*1*) the following sub-section shall be substituted, namely :—

"(*1*) Any debtor ordinarily residing in any local area or his creditor may make an application before the 31st October 1950 to the Court for the adjustment of his debts";

(*3*) in section 7, for the figures, letters and word "1st January 1938" the figures, letters and word "25th January 1950" shall be substituted;

(*4*) in section 22, the following proviso shall be added at the end, namely :—

"Provided further that where any amount due to a creditor is determined by a competent tribunal or authority under any law in force in any of the enclaves or specified areas, as the case may be, relating to the conciliation or adjustment of the debts of agriculturists corresponding to this Act, the amount so determined shall be binding on the parties.";

(*5*) in section 23, in the proviso, after the figures "1879" the words "or any enactment corresponding thereto" shall be inserted;

(*6*) in section 24, in sub-section (*2*), for the figures, letters and word "1st August 1947" the figures, letters and word "31st October 1950" shall be substituted;

(*7*) in section 25,—

(*a*) in clause (*i*), the words and figures "or by a Board established under section 4 of the repealed Act" shall be deleted;

(*b*) in clause (*ii*) for the figures, letters and words "15th day of February 1939" the figures, letters and word "25th January 1950" shall be substituted;

(*8*) in section 32, in sub-section (*2*),—

(*a*) for clause (*c*), the following clause shall be substituted, namely :—

"(*c*) loans given by resource societies or by persons authorised to advance loans under section 54 for the financing of crops or for seasonal finance,";

(*b*) in the Explanation, the words "under the repealed Act" and the words "under this Act" shall be deleted;

(*9*) in section 56, in sub-section (*1*),—

XVII of 1879. Bom. XXVIII of 1939. XVII of 1879.

(*a*) for the words and figures "the Dekkhan Agriculturists' Relief Act, 1879, by the Bombay Agricultural Debtors Relief Act, 1939, the first mentioned Act" the words and figures "any enactment corresponding to the Dekkhan Agriculturists Relief Act, 1879, in force in any of the enclaves or specified areas, as the case may be, such enactment" shall be substituted ;

(*b*) the words and brackets "with effect from the date of the coming into operation of this Act (hereafter in this section referred to as the said date)" shall be deleted ;

(*c*) for the words "for a period of three years from the said date" the words, figures and letters "up to the 25th day of January 1953" shall be substituted ;

(*d*) for the first proviso, the following proviso shall be substituted :—

"Provided that any proceeding in or out of any suit instituted on or before the 25th day of January 1953 shall be continued and disposed of after the said date as if the enactment corresponding to the Dekkhan Agriculturists' Relief Act, 1879, had continued in force after the said date.".

CHAPTER III.

AMENDMENT OF BOMBAY ACT NO. XXX OF 1949.

4. [*The amendments made by section 4 have been incorporated in the Bombay Merged Areas (Amendment of Laws) Act, 1949 (Bom. XXX of 1949).*]

SCHEDULE I.

[*See* section 2 (*1*).]

(A) *Enclaves transferred from Rajasthan to Bombay.*

Mial village of former Jodhpur State.

(B) *Enclaves transferred from Saurashtra to Bombay.*

1. The following villages of former Limbdi State.—Fatepur, Gounjar, Pachham and Ratanpur.

2. Otaria and Sandhida villages of former Bhavnagar State.

3. The following villages of former Lakhtar State.—Jalampur, Karakthal, Kishol (Moti), Kishol (Nani), Rupavati, Wasan and Wasawa.

4. Mithapur and Odki villages of former Dasada State.

5. The following villages of former Jetpur State.—Khijidiya, Pania and Venivadar.

6. The following villages of former Lakhapadar Thana.—Ghadia, Kaner Lakhapadar, Nini-Garmli, Patla and Vaghavdi.

7. Khantadi village of former Eastern Kathiawar States Agency.

(C) *Enclaves transferred from Hyderabad to Bombay.*

1. Belwara village of Pátoda Taluka in District Bid.

2. Borgaon village of Osmanabad Taluka in District Osmanabad.

3. The following villages of Parenda Taluka in District Osmanabad.—Shelgaon, Sultanpur, Shirpad Pimpri, Anjangaon, Jamgaon (Byarg), Kevda, Sultanpur, Chavanvadi, Hatkarwadi, Kapsewadi, Dhanora, Manegaon, Bujrugwadi, Pachpundwadi, Kairao, Ridhore, Bhawarja (Byarg), Sindri Jagir, Upla village including hamlets of Wangiwadi, Irla and Tawarwadi.

4. Andewadi (J) village in District Gulburga, Kakerbli Madbal, and Dholar villages in Jeevargi Taluq.

5. Bhatnoor and Nagarbetta villages in Taluq Shorapur.

6. Gadesankpur village in Taluq Lingsugur.

7. The following villages in Taluq Kushtagi.—

Mullapur (J), Sarjapur, Santagira, Baleguda, Chigalgundi, Hanamsagar, Kurbanna (J), Itgi (J), Gulguli (J), Mugli.

8. Hiralgundi (J) village in District Raichur.

9. The following villages of Tuljapur Taluka in District Osmanabad.—Raulgaon, Astha Pophali, Virwad Khurd, Shivni, Karamba (J), Warlegaon, Chikhelli (J), Yellamwadi, Pawarwadi, Bopla, Yekoda, Mangoli, Baborwadi, Waloja, Degaon, Sasoora, Ghorpadi, Daksal, Mansi, Bhagachiwadi, Kowtali, Saklewadi, Kahman, Maslachowadhari, Pudshli, Wangi, Ichgaon, Khaneshwar, Bhoir, Ranmasla Dharpal, Nanaj, Mohtechiwadi, Gharilachiwadi.

10. The following villages of Ashti Taluka in District Bid.—Kavadgaon, Hasnabad, Girvalli, Pimpalkhed, Chandi, Aghi, Khamgaon, Dhanora, Fakhirabad, Halgaon, Nanaj, Wagh, Javalki, Dhanegaon, Jawla, Tartgaon, Balegaon, Rodagaon, Borgaon, Dimeshwar.

Note.—'J' shown against a village indicates Jahagir.

SCHEDULE II.

[*See* section 2 (*2*).]

Areas of the former Sirohi State merged in the State of Bombay.

1. Abu Road.
2. Kesarganj.
3. Akra.
4. Manpur.
5. Santpur.
6. Ganka.
7. Khadat.
8. Umrani.
9. Kui.
10. Siawa.
11. Sangna.
12. Panduri.
13. Maval.
14. Redwa Mota.
15. Dona Kakar.
16. Dan Vav.
17. Mudarla.
18. Kiyara.
19. Kiyariya.
20. Khara.
21. Bhesa Sen.
22. Amba.
23. Mungthala.
24. Mirgarh.

25. Adaliya.
26. Aval.
27. Chandela.
28. Girwar.
29. Bageri.
30. Redwa Chhota.
31. Behadurpura.
32. Chanar.
33. Talvarankanaka.
34. Ambaveri.
35. Mahikheda.
36. Fatehpura.
37. Chotila.
38. Rokhada.
39. Muliya Mahadeo.
40. Forest Chotila.
41. Chandravati.
42. Upli Bor.
43. Upla Garh.
44. Upla Khejira.
45. Kiyariya.
46. Tokiya.
47. Dori.
48. Jambudi.
49. Jayadara.
50. Taleti.
51. Dotra.
52. Nichala Garh.
53. Nichli Bor.
54. Nichala Khejira.
55. Pava.
56. Buja.
57. Bori Buj.
58. Bosa.
59. Dhamariya.
60. Men.
61. Ranora.
62. Rada.
63. Surpagala.
64. Amthala.
65. Od.
66. Kar li.
67. Kivarli.
68. Tunka.
69. Derna.
70. Tartoli.
71. Vasada.
72. Morthala.
73. Deldar (Jagir).
74. Deldar (Devasthan).
75. Arna.
76. Oria.
77. Govagam.
78. Javai.
79. Dhundhai.
80. Torna.
81. Dilwara.
82. Salagam.
83. Achalgadn.
84. Masgam.
85. Sanigam.
86. Hetamji.
87. Block No. 4 (excluding all that portion to the west of a line drawn from western boundaries of Badarpura, Fatehpura, Maliakhera to south-west point of Block No. 3 and village Masgam).
88. Portion of Block No. 2 on south of the Abu Road.
89. Utraj Village Survey Nos. 771 to 785.